

FACT SHEET

Revisions to the State Human Resources Regulations

Based on the changes to the SC Code of Laws that occurred during the 2004 and 2005 legislative sessions, several changes to the State Human Resources Regulations are needed in order to conform to these changes. First, the number of days of sick leave an employee may use annually to care for ill members of their immediate family and the definition of “immediate family” in this section, should be changed per the SC Code of Laws § 8-11-40 (C) (Using and Scheduling Sick Leave). Second, the reasons for granting administrative leave should be changed per SC Code of Laws § 8-11-40 (B) (Administrative Leave). Third, the definition of “immediate family” for death of immediate family leave should be changed per SC Code of Laws § 8-11-177 (Death in Immediate Family Leave). Fourth, the exception for break in service regarding TERI employees in the regulations should be deleted per SC Code of Laws § 8-11-620 (Break in Service). The remainder of this summary outlines the proposed changes to the State Human Resources Regulations.

Proposed Regulation Changes:

19-710.04 USING AND SCHEDULING SICK LEAVE

B. Reasons an employee shall be allowed to use sick leave are as follows:

6. Caring for ill members of immediate family;
[Note: Employees earning sick leave as provided in Section 19-710 may not use more than ~~eight~~ ten days of sick leave annually to care for ill members of their immediate families. For purposes of this ~~eight days of sick leave~~ section, the employee’s “immediate family” means the employee’s spouse and children and the following relations to the employee or the spouse of the employee: mother, father, brother, sister, grandparent, legal guardian, and grandchildren ~~if the grandchild resides with the employee and the employee is the primary caretaker of the grandchild.~~]

19-712.01 OTHER LEAVE TYPES

A. Administrative Leave

~~A full-time employee in a full-time equivalent (FTE) positions who is temporarily disabled as a result of an assault by an inmate, patient, or client must be placed on administrative leave with pay by his employing agency rather than his earned sick leave.~~ State employees in full-time equivalent (FTE) positions who are physically attacked while in the performance of official duties and suffer bodily harm as a result of the attack must be placed on administrative leave with pay by their employers rather than sick leave. The period of administrative leave ~~per~~ for each incident may not exceed 180 calendar days. Denial of the use of administrative leave by the agency will be grounds for review by the Office of Human Resources (OHR) upon request of the employee. Administrative review by OHR will be final.

G. Death in Immediate Family Leave

1. An employee upon request shall be granted up to three consecutive workdays of leave with pay on the death of any member of the employee’s immediate family. Immediate family is defined as the spouse, great-grandparents, grandparents, parents, legal

guardians, brothers, spouse of brothers, sisters, spouse of sisters, children, spouse of children, grandchildren, great-grandchildren of either the employee or the spouse.

19-719.01 CONTINUOUS SERVICE AND BREAK IN SERVICE

B. Break In Service

An employee experiences a break in service when the employee:

1. Separates from State service and is paid for unused annual leave.

Exceptions

- a. When an employee moves from a position in which the employee earns both annual and sick leave to a position in which the employee only earns sick leave. All earned sick leave shall be transferred in accordance with Section 19-710.05 A.
- b. ~~When an employee initially enters the Teacher and Employee Retention Incentive (TERI) Program and receives a lump sum payment for annual leave, he does not experience a break in service.~~

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